

Application No. ZT-81-04, York County Board of Supervisors: Consider amendments to the following sections of the York County Zoning Ordinance (Chapter 24.1, York County Code):

- Section 24.1-306, Table of Land Uses; Sections 24.1-466 (Standards for all Retail Uses), 24.1-467 (Standards for Convenience Stores), 24.1-475 (Standards for all Motor Vehicle and Transportation Related Uses), 24.1-477 (Standards for Auto Fuel Dispensing Establishments, Service Stations and Auto Repair Garages), and 24.1-478 (Standards for Car Washes); Sections 24.1-466 and 475; and Section 24.1-475.

Mr. Mark Carter, Assistant County Administrator, presented a summary of the staff report to the Commission, dated January 28, 2004, in which the staff recommended forwarding the proposed amendments to the Board of Supervisors with a recommendation for adoption. Mr. Carter explained the primary reason for the proposed amendments is to address the significant impacts the subject uses have on their surroundings and other commercial corridors in the County, and the Board had indicated that these types of uses would benefit from reviews imbedded in the Special Use Permit process.

The proposed requirements provide an opportunity for case-by-case review of convenience stores and gasoline stations with particular attention given to traffic impact during peak traffic hours, light, glare, and noise impacts, and compatibility with their surroundings.

Mr. Carter spoke of strengthening performance standards for landscaping; the proposed requirement for removal of pumps, canopies, tanks and associated car wash equipment once the business has been inactive for a period of time; and the proposal for a formal agreement between the property owner and the County relative to the removal requirement.

Mr. Barba noted that the proposal takes into account some of the recommendations of the Route 17 Revitalization Committee.

Mr. Davis wondered exactly what term would qualify a business as “inactive.” **Mr. Ptasznik** asked how long the owner/operator would have to remove his equipment before the County does the removal. **Mr. Carter** said there would be a formal agreement executed with the owner that would allow typically 30 to 60 days for removal. **Mr. Ptasznik** suggested that become a part of the proposed ordinance.

Mr. Ptasznik inquired about the rationale for proposing different setbacks for all retail uses (Sec. 24.1-466) and motor vehicle and transportation-related uses (24.1-475). He thought the setbacks should be consistent because the intent originally was to treat the circulation drives and parking spaces the same. **Mr. Carter** explained that the setback provisions have been a part of the Ordinance for several years. The setback was not meant to be as great for a retail type use as it would be for a motor vehicle type use because of the latter’s higher level of intensity. The point of the staff recommendation was that both parking and circulation drives should be subject to the setback requirement, whether it is 25 feet or 35 feet.

Mr. Ptasznik believed consideration should be given to allowing signs on the canopies at gas stations, which he believed to be equivalent to a monument sign plus a sign at the front of an automobile franchise, as is allowed. **Mr. Carter** noted that canopies are allowed to be closer to

the front lot line than a building is allowed to be. He said the Commission could recommend that canopy signs be allowed as a condition of a use permit.

Mr. Barba noted that all of the existing signs would be grandfathered. **Mr. Carter** added that recent amendments to the Zoning Ordinance allow up to 14 additional square feet for monument-type signs.

Mr. Heavner asked the County Attorney if the County could require that a Phase II environmental study be undertaken at the time of removal of gasoline tanks because that would be the best time to do it.

Mr. Barnett said that is worth considering and noted that reasonable conditions can be imposed on a special use permit, but whether or not that includes an environmental issue is not clear to him. He will look into that as well as the standards for removal of underground tanks, which might also address environmental guidelines. **Mr. Heavner** asked what could be done to get the lines removed at the same time as the pumps because there will be fuel in the lines, as well. **Mr. Barnett** said that could be addressed in the ordinance.

Mr. Heavner asked if marinas are allowed to sell fuel, and **Mr. Carter** said they could, adding that marinas are addressed under separate performance standards.

Mr. Heavner said the automobile salvage yards on Route 17 look like an environmental nightmare and should be cleaned up. He recommended the County consider rezoning the area for automobile dealerships, which he felt would be a very positive use for that corridor. **Mr. Carter** noted that the present zoning category would allow automobile dealerships, but by special use permit if this amendment is adopted.

Mr. Barba added that the Route 17 committee spent a lot of time discussing that area. He said the present business owners have been there a long time. They want to be good citizens, he said, and are receptive to environmental issues, but given the nature of the auto salvage business there is little they can do to improve the aesthetics of their lots. He did think there would be some improvements in the near future, however.

Mr. Heavner asked what would happen if a property was under contract for sale or lease at the expiration of the 12-month period of inactivity. He wondered if the property owner would be required to remove the tanks, etc. even if the new owner intended to re-establish the use. **Mr. Carter** said he thought that such a circumstance could be addressed in the maintenance agreement that is proposed to be required.

Mr. Barba moved to approve Resolution PC04-2(R) as proposed by the staff. **Mr. Carter** noted that in its earlier discussion the Commission had raised a number of very good points and he suggested that language to address that discussion be included. He recommended that there be a reference to compliance with all state and federal environmental regulations during the process of tank removal, and suggested adding language to that effect in Sec. 24.1-477 (i) of the proposed resolution. He also recommended that the reference to "tanklines" be included and that a provision be added to allow up to 90-days for completing removal of tanks, etc. once ordered by the County. **Mr. Barba** revised his motion to include the amendments suggested by **Mr. Carter**.

PC04-2(R-2)

On motion of Mr. Barba, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-81-04 TO AMEND SECTIONS 24.1-306, TABLE OF LAND USES, 24.1-466, STANDARDS FOR ALL RETAIL USES, 24.1-467, STANDARDS FOR CONVENIENCE STORES, 24.1-475, STANDARDS FOR ALL MOTOR VEHICLE AND TRANSPORTATION RELATED USES, 24.1-477, STANDARDS FOR AUTO FUEL DISPENSING ESTABLISHMENTS, SERVICE STATIONS AND AUTO REPAIR GARAGES, AND 24.1-478, STANDARDS FOR CAR WASHES OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO ADJUST THE PROCEDURES UNDER WHICH CERTAIN USES ARE PERMITTED AND THE PERFORMANCE STANDARDS APPLICABLE TO THOSE USES

WHEREAS, as a result of the efforts and recommendations of the Route 17 Revitalization Committee, it has come to the attention of the Board of Supervisors that certain uses can, particularly if abandoned, have a detrimental impact on the economic vitality and appearance of commercial corridors; and

WHEREAS, the Route 17 Revitalization Committee has recommended that the procedures for permitting certain automobile related uses be examined and that appropriate performance standards be developed to ensure that such uses, if permitted, will continue to be positive elements of the commercial corridors in which they are located; and

WHEREAS, in recognition of these recommendations, the Board of Supervisors has sponsored Application No. ZT-81-04 to allow certain proposed amendments to be considered; and

WHEREAS, the application has been referred to the Planning Commission for review and recommendation in accordance with applicable procedures; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on the application and has considered the comments and recommendations received from the public and staff;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission, this the 11th day of February 2004, that it does hereby recommend approval of Application No. ZT-81-04 to amend Sections 24.1-306, 24.1-466, 24.1-467, 24.1-475, 24.1-477, and 24.1-478 of the Zoning Ordinance (Chapter 24.1, York County Code) to read as follows

Section 24.1-306 Table of land Uses

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 10 - COMMERCIAL / RETAIL ¹												
1. Antiques/Reproductions, Art Gallery							P	P	P	P	P		

¹See Section 24.1-466(g) for special provisions applicable to developments with 80,000 or more square feet of gross floor area.

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT <
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1. Car Wash								S	<u>PS</u>		S		
2. Automobile Fuel Dispensing Establishment/ Service Station (May include accessory convenience store and/or car wash)									<u>PS</u>		S	<u>PS</u>	
3. Auto Repair Garage									S			P	P
4. Auto Body Work & Painting												P	P
5. Auto or Light Truck Sales, Rental, Service (<u>New or -vehicles w/incidental used vehicles sales</u>) (Including Motorcycles or R.V.'s) a) Without Auto Body Work & Painting b) With Body Work & Painting									<u>PS</u>		S	P	P
5a. Used Vehicle Sales									S				
6. Heavy Truck and Equipment Sales, Rental, Service									S			P	P
7. Farm Equipment Sales, Rental, Service									S			P	P
8. Manufactured Home Sales, Rental, Service									S			S	S
9. Boat Sales, Service, Rental, and Fuel Dispensing									P	P		S	
10. Marine Railway, Boat Building and Repair										P		P	P
11. Truck Stop												S	S
12. Truck Terminal												P	P
13. Heliport									S		S	S	S
14. Helipad									S		S	P	P
15. Airport											S	S	S
16. Bus or Rail Terminal									P		S	P	P
17. Taxi or Limousine Service									P			P	
18. Towing Service / Auto Storage or Impound Yard												S	
19. Automobile Graveyard, Junkyard													S
20. Bus Service/Repair Facility												P	P

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DIVISION 9. COMMERCIAL AND RETAIL USES (CATEGORY 10)

Sec. 24.1-466. Standards for all commercial and retail uses.

- (a) All off-street parking and loading space for all commercial and retail uses shall be located not less than twenty-five feet (25') ~~[7.5m]~~ from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, with appropriate fencing materials. This setback/screening requirement shall also apply to all circulation drives and stacking spaces.
- (b) When located in or adjacent to a residential area, the external appearance and arrangement of such facility shall be of a form, character, appearance and arrangement fully compatible with the residential area.
- (c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full-cutoff.

as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.

- (d) Outdoor speaker or paging systems shall be directed away from property lines and shall not be audible on adjacent properties or rights-of-way.
- (e) Appropriate and adequate facilities for accommodating bicycle parking and other alternative transportation modes shall be provided which are safe, secure, and convenient.
- (f) The minimum setback for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be forty feet (40')-~~12m~~ unless the district in which the use is located allows a lesser setback for the principal structure.
- (g) Any fuel dispensing or car wash activities conducted as accessory uses in conjunction with a commercial or retail operation shall be subject to the performance standards set forth in sections 24.1-475, 477, and 478 of this chapter.
- (hg) For retail uses otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall be required for any proposed development having 80,000 or more square feet of gross floor area. Any redevelopment involving an addition, expansion, renovation, enlargement, or other modification of an existing development that would increase the gross floor area to 80,000 or more square feet shall be subject to the standards and procedures applicable to amendment of special use permits set forth in Section 24.1-115(d) of this chapter.

Sec. 24.1-467. Standards for convenience stores.

- (a) Convenience stores may have access only to streets classified as major collectors or a higher order.
- (b) A traffic impact analysis must be performed in accordance with the requirements of article II, division 5. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.
- (c) Deliveries to such uses located adjacent to residential areas shall not occur after 11:00 p.m. or before 6:00 a.m.
- (d) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') in height.
- (e) Any fuel dispensing or car wash activities conducted as accessory uses in conjunction with a convenience store operation shall be subject to the performance standards set forth in sections 24.1-475, 477, and 478 of this chapter.

DIVISION 11. MOTOR VEHICLE AND TRANSPORTATION RELATED USES (CATEGORY 12)

Sec. 24.1-475. Standards for all motor vehicle and transportation related uses.

- (a) All off-street parking and loading space for motor vehicle and transportation related uses shall be located not less than thirty-five feet (35')-~~[10.5m]~~ from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemental, as necessary, with appropriate fencing materials. This setback/screening requirement shall also apply to all circulation drives and stacking spaces.
- (b) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.
- (c) Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets. The playing of music on any outdoor speaker systems at a volume that can be heard at the property line shall be prohibited.
- (d) The minimum setback for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be forty feet (40')-~~[12m]~~ unless the district in which located allows a lesser setback for the principal structure. All lighting mounted on or under canopies shall be full-cutoff or recessed fixtures. No signage shall be attached to the canopy.
- (e) Garage bay doors and semi-enclosed vehicle bays shall be screened from direct view from public streets by a combination of landscaping and earthforms. Any berms used shall comply with the requirements for providing sight triangles contained in section 24.1-242(c).
- (f) Landscape plans for motor vehicle and transportation related uses shall be prepared and certified by a Virginia certified landscape architect.
- (g) A hazardous materials management and stormwater runoff control plan detailing the methods to be employed to ensure that no hazardous or petroleum-based products are permitted to infiltrate into groundwater or surface water resources shall be prepared, submitted to, and approved by the health department, the department of environmental and development services and department of public safety prior to receiving site plan approval for such uses.
- (h) No vehicle parking, storage or display associated with such uses shall be permitted to occur on adjacent public rights-of-way.

Sec. 24.1-477. Standards for auto fuel dispensing establishments, service stations and auto repair garages.

Automobile fuel dispensing establishments, service stations, and auto repair garages shall comply with the following standards:

- (a) Automobile service and minor repairs shall be deemed to include engine tuneups, oil changes and lubrication, and the repair or installation of mufflers, tailpipes, exhaust pipes, catalytic converters, brakes, shock absorbers, tires, batteries, and similar automotive components as determined by the zoning administrator. Repairs specifically shall not include body work and painting.
- (b) All repair or installation work shall be conducted indoors. Used or damaged equipment removed from vehicles during the repair process shall be stored indoors or shall be deposited in an approved covered outdoor collection receptacle for appropriate off-site disposal.
- (c) Temporary overnight outdoor storage and parking of vehicles waiting for repair or pickup shall be permitted. Appropriate and adequate parking areas shall be provided and set aside on the site for such vehicles. No long-term (ninety (90) days or more) storage and parking of vehicles which require major repair work shall be permitted.
- (d) Landscaping supplemented by fencing if necessary shall be utilized to fully screen vehicular storage areas and to partially screen direct views of fuel islands, structures, and service bays from adjacent properties and rights-of-way. The plan to accomplish this shall be designed and prepared by a certified landscape architect.
- (e) A traffic impact analysis must be performed in accordance with the requirements for same contained in article II. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.
- (f) No logo, brand name, or sign which is legible from adjacent public roads may be placed on pumps or pump islands.
- (g) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') ~~[7.5m]~~ in height.
- (h) In the event the fuel dispensing activity ceases at the automobile fuel supply establishment, written notice shall be provided by the owner/operator to the Zoning Administrator within seven days after such fuel dispensing activity ceases. In the event the fuel dispensing activity remains inactive for a period in excess of twelve ~~nine~~ (12) ~~(9)~~ months, the owner/operator shall be responsible for performing the following:
 - 1. the tanks, tanklines fueling equipment (including the gas pumps and fueling islands) shall be removed; all applicable state and federal environmental protection and mitigation requirements shall be observed in the removal and site restoration process;

2. the canopy shall be removed;
 3. ~~any~~ inactive accessory car wash equipment associated with the fuel dispensing activity and the structure surrounding same shall be removed;
 4. the real property in or on which the improvements listed in subsection (1), (2), and (3) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for same has been approved by the County. Except in the restored area that is established as landscaped green area, the paved area shall be re-striped to match the remainder of the parking lot.
- (i) The requirement to remove pumps, tanks, canopies and other appurtenances listed in the preceding subsection shall be ensured by the property owner/operator through a maintenance agreement, approved as to form by the county attorney, whereby the property owner/operator shall covenant to perform the required removal of any such tanks, pumps, canopies and other prescribed appurtenances within ninety (90) days of notice by the County and grant authority to the county to perform such work at the property owner's cost if the owner/operator should default on his obligations. The owner/operator shall cause such agreement to be recorded by the clerk of the circuit court and provide evidence of such recordation to the zoning administrator prior to issuance of any building permits for the proposed development.

Sec. 24.1-478. Standards for car washes.

Car washes, whether a principal or accessory use, shall comply with the following standards:

- (a) Car washes shall utilize a low-volume water recycling system which provides for an average of at least eighty percent (80%) recycled water per wash.
- (b) A traffic impact analysis must be performed in accordance with the requirements in article II, division 5. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.
- (c) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') ~~[7.5m]~~ in height.
- (d) In the event the car wash activity, whether it is the principal or accessory use of the property, ceases operation, written notice shall be provided by the owner/operator to the Zoning Administrator within seven days after such activity ceases. In the event the car wash activity remains inactive for a period in excess of ~~nine (9)~~ twelve (12) months, the owner/operator shall be responsible for performing the following:
 1. all car wash equipment and the structure surrounding same shall be removed;

2. the real property in or on which the improvements listed in subsection (1) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for same has been approved by the County. Except in the restored area that is established as landscaped green area, the paved area shall be re-striped to match the remainder of the parking lot.
- (e) The requirement to remove the car wash equipment and surrounding structure listed in the preceding subsection shall be ensured by the property owner/operator through a maintenance agreement, approved as to form by the county attorney, whereby the property owner/operator shall covenant to perform the required removal of any such equipment/structure within ninety (90) days of notice by the County and grant authority to the county to perform such work at the property owner's cost if the owner/operator should default on his obligations. The owner/operator shall cause such agreement to be recorded by the clerk of the circuit court and provide evidence of such recordation to the zoning administrator prior to issuance of any building permits for the proposed development.
